



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 18 2015

CERTIFIED MAIL 700818300000245165
RETURN RECEIPT REQUESTED

Mr. Brad Sheehan
Director of Safety, Agent for Service
ExpressJet Airlines, Inc.
990 Toffie Terrace
Atlanta, Georgia 30354-1356

Re: **NOTICE OF VIOLATION**

Aircraft Public Water System Identification Number: AC0000218
FAA Registry No: N920EV

The U.S. Environmental Protection Agency oversees implementation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f – 300j-26, and the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 810. To facilitate implementation of the ADWR, the EPA has developed a centralized, web-based Aircraft Reporting and Compliance System (ARCS) for air carriers to use as an Agency approved method to submit required information in an electronic format.

Based on the EPA's review of the data submitted in ARCS by ExpressJet Airlines, Inc., (ExpressJet), there have been a number of violations for the above mentioned aircraft public water systems (APWS). These violations are identified below:

<u>APWS Identification #/ FAA Registry No)</u>	<u>Monitoring Period</u>	<u>Violation</u>
AC0000218 (N920EV)	01/01/14 – 12/31/14	Failure to perform routine sampling
	10/01/14 – 12/31/14	Failure to perform routine disinfection and flushing (D&F)

These are violations of the SDWA and the ADWR and include the following:

1. Pursuant to 40 C.F.R. § 141.803(b), for each aircraft water system the air carrier must perform routine D&F and routine coliform sampling at the frequency determined by the air carrier.
 - a. According to the information entered into ARCS by the air carrier, ExpressJet is required to perform routine D&F quarterly. The information in ARCS and reviewed by the EPA indicates that ExpressJet failed to perform the routine D&F during the monitoring period of October 1, 2014 – December 31, 2014. On January 09, 2015, ExpressJet entered "Not Performed" into ARCS for the required D&F. Therefore, ExpressJet is in violation of 40 C.F.R. §§ 141.803(b), for failure to timely conduct the routine D&F.

- b. According to the information entered into ARCS by the air carrier, ExpressJet is required to perform routine coliform sampling annually. The information in ARCS and reviewed by the EPA indicates that ExpressJet failed to perform routine coliform sampling during the monitoring period of January 01, 2014 – December 31, 2014. On January 09, 2015, ExpressJet entered “Not Performed” into ARCS for the required sampling. Therefore, ExpressJet is in violation of 40 C.F.R. §§ 141.803(b), for the failure to timely conduct routine coliform sampling.
2. Pursuant to 40 C.F.R. § 141.810(a), an aircraft is in violation of the ADWR when for any aircraft water system it fails to perform any of the requirements in accordance with § 141.803 or § 141.804. As discussed above ExpressJet violated 40 C.F.R. § 141.803 and therefore is also in violation of 40 C.F.R. § 141.810(a).

Pursuant to 40 C.F.R. § 141.803(f), if an air carrier fails to perform routine D&F and/or routine coliform sampling the air carrier must perform the specified corrective actions. The information in ARCS and reviewed by the EPA indicated that ExpressJet properly performed and reported the required corrective actions. Therefore, no additional corrective actions are required for the above violations.

SDWA Section 1414, 42 U.S.C. § 300g-3, authorizes the EPA to take formal enforcement action against public water systems for violations of the national primary drinking water regulations, including ADWR. Within fifteen (15) days of receipt of this notice of violation, ExpressJet shall submit a description of how the air carrier plans to ensure that these type of violations do not continue to occur. Please submit this information to the EPA at the address below. This letter is both a notice of violation and an informal request for information. It does not represent the initiation of a formal enforcement action.

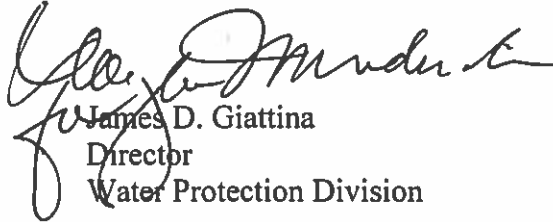
Ms. Amanda Driskell, Enforcement Officer
Grants and Drinking Water Protection Branch
Water Protection Division
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Please be advised that any information provided may be used by the EPA in any administrative, civil or criminal proceedings related to this or other matters.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* for your use and to assist you in understanding the compliance assistance resources and tools available to you.

If you have any questions or concerns, please contact Ms. Driskell of my staff at (404) 562-9735 or driskell.amanda@epa.gov. Any legal inquiries should be directed to Ms. Wilda Cobb, Associate Regional Counsel, at (404) 562-9530 or cobb.wilda@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosure

